

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

As to the Information Disclosure Statement filed November 15, 2005, applicants submit herewith copies of the foreign patent documents listed in the Information Disclosure Statement. A copy of the International Search Report which caused the references to be listed is also submitted herewith. Please note that no fee is believed due for the IDS as the IDS was filed before the first Office Action and believed complete at the time of filing since the references should have been forwarded from the International Search Authority. Applicants are submitting copies of the references as a courtesy because it appears the International Search Authority has not provided these to the USPTO.

As to the alleged effective declaration, applicants believe that the declaration as filed meets the requirements for adequately identifying the specification to which the declaration is directed. Specifically, MPEP §602 with respect to 37 CFR §1.63 provides that the minimum for identifying the specification includes the names of the inventors and title of the invention which is on the specification as filed. The previously-filed declaration includes the title and the inventors' names and thus is believed sufficient. However, a new declaration is submitted herewith in order to further prosecution.

The specification is amended to make editorial changes therein including adding a new title as suggested in the Official Action. The above changes to the specification are also believed to address the grammatical inaccuracies noted not only in the Official Action but also that were noted in other instances in the specification. The changes to the specification are believed not to introduce new matter.

A substitute Abstract of the Disclosure is provided on an accompanying separate sheet that is believed to address the objection to the abstract noted in the Official Action.

Claims 1-5 were previously pending in the application. Claims 2-5 are cancelled; leaving claim 1 for consideration.

Claim 1 is amended to change "for can" to "for use in cans" as suggested in the Official Action to address the claim objection noted on page 4.

As to the 35 USC §112, second paragraph rejection, claim 1 is believed to include sufficient structure as well as features related to the physical characteristics, which are related to the structure. Such physical characteristics are believed to be definite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 3 and 5 were rejected under 35 USC §102(b) as being anticipated by OKUDE JP 2001-001448. Claim 2 was rejected under 35 USC §103(a) as being unpatentable over OKUDE in view of HAMANO JP 11-157007. Claim 4 was rejected under 35 USC §103(a)

as being unpatentable over OKUDE in view of WATANABE JP 2057339. These rejections are respectfully traversed.

Claim 1 is amended to clarify that the metallic sheet is configured to show about 22 to about 25 cm^{-1} of half value width of shift peak caused by a C=O stretching vibration at $1730 \pm 20 \text{ cm}^{-1}$ in the Raman spectra after conducting at least one heat treatment selected from the group consisting of baking finish and baking print.

The proposed combination of references is not only improper in the first instance, but also does not result in the above-noted features.

OKUDE discloses a half value width of Raman shift peak caused by a C=O stretching vibration at 1730 cm^{-1} is 25 cm^{-1} or more in the Laser Raman spectra. Moreover, such value is located from 1 to 6 μm from the interface between a resin layer and a steel plate. That is, OKUDE specifies a layer where the half value width is 25 cm^{-1} or more and such half value width is of an amorphous structure with the thickness of the layer being 1 to 6 μm .

In any event, at least Table 1 of OKUDE teaches away from a half value width of less than 25 cm^{-1} . For example, comparative Examples 1 and 2 show a half value width less than 25 cm^{-1} having an X, i.e., do not meet the requirements of OKUDE.

Thus, even if one of ordinary skill in the art had OKUDE, HAMANO and WATANABE before him, there would be no

motivation to combine the references in the manner suggested as OKUDE teaches away from the recited half value width.

Moreover, the half value width of OKUDE is a value before heat treatment. Any heat treatment in OKUDE is to determine the results of a retort peel test. Specifically, such heat treatment is disclosed in paragraph [0027], for example, performed at conditions of temperatures of 100 to 130°C in water vapor atmosphere (retort pot) in order to determine the exfoliation length. OKUDE does not disclose or suggest a half value width that is determined after heat treatment.

HAMANO is only cited for the disclosure of heat treatment. HAMANO does not disclose or suggest determining a half value width after heat treatment. As neither reference discloses a half value width after heat treatment, the proposed combination of references would not suggest this feature.

Moreover, as it was known in the art that heat treatment changes the crystal structure in the amorphous layer of the film, there is no reasonable expectation that the half value width specified by OKUDE before heat treatment would meet the recited half value width after heat treatment.

Further, the object of the heat treatment in the present invention is so dissimilar from the heat treatment in OKUDE, one of ordinary skill in the art would not have been motivated to substitute one for the other.

In OKUDE, heat treatment is performed under conditions for retort peel tests. For example, Table 1 of OKUDE discloses a heat treatment under the conditions of temperatures between 100 and 130°C in water vapor atmosphere (retort pot) in order to determine the exfoliation length.

In contrast, the heat treatment of the present invention is used to produce a device with a small leak current. See page 16, lines 1-9, Table 1 and Figure 6 of the application as filed.

The disclosed heat treatment is not only after heat treatment, that is, the baking finish and/or baking print, but also, one of ordinary skill in the art would understand that such heat treatments are performed in an atmosphere of 180°C or more (see Table 1) and for securing excellent workability after heat treatment. The recited heat treatment produces a device having about 22 to 25 cm^{-1} of half value width of shift peak caused by a C=O stretching vibration in the vicinity of $1730 \pm 20 \text{ cm}^{-1}$ in the Raman spectra.

As set forth above, not only does OKUDE teach away from such half value width range, but also, the heat treatment of OKUDE is performed after his half value width is determined. Therefore, using a baking finish or baking print heat treatment as taught by HAMANO to replace the heat treatment of OKUDE would still result in a heat treatment after the half value width has been determined. Thus, even if the proposed combination of

references were considered in the first instance (because OKUDE teaches away from such combination), the resultant device would not meet the present claims.

WATANABE is only cited with respect to the feature of a polyester resin being a copolyester. WATANABE does not overcome the shortcomings of OKUDE and HAMANO as set forth above.

That is, the proposed combination of references fails to disclose or suggest at least a metallic sheet configured to show about 22 to about 25 cm⁻¹ of half value width of shift peak caused by a C=O stretching vibration at 1730+20 cm⁻¹ in the Raman spectra, on the film of the laminated metal sheet for cans after conducting at least one heat treatment selected from the group consisting of baking finish and baking print.

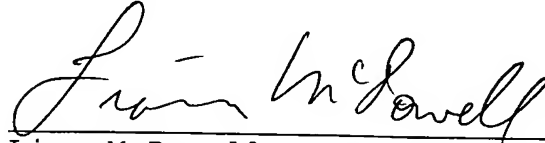
In view of the present amendment and foregoing remarks, it is believed that the application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, appearing to read "Liam McDowell", is written over a horizontal line.

Liam McDowell, Reg. No. 44,231
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

LM/lk

Appendix:

The Appendix includes the following items:

- replacement Abstract of the Disclosure
- copy of International Search Report and foreign patent documents listed therein of IDS filed November 15, 2005
- new declaration